

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 294, FOOD AND DRUGS ACT.

MISBRANDING OF A DRUG—"MAKE-MAN TABLETS."

On or about November 3, 1908, and March 6, 1909, the Make-Man Tablet Company, of Chicago, Ill., shipped from the State of Illinois to the District of Columbia and to the State of Indiana consignments of a drug labeled "Make-Man Tablets." Samples from these shipments were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture. As it appeared from the findings of the analysts and reports thereon that the product was misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture afforded the Make-Man Tablet Company, and the dealers from whom the samples were purchased, opportunities for hearings. As it appeared after hearings held that the said shipments were made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney General, with statements of the evidence on which to base prosecutions.

In due course criminal informations were filed in the District Court of the United States for the Northern District of Illinois against the Make-Man Tablet Company, charging the above shipments and alleging that the product was misbranded, in that it was labeled:

"Make-Man Tablets. A brain, blood and nerve tonic. Especially prepared for the treatment of dyspepsia, neuralgia, kidney and liver trouble, catarrh, consumption, locomotor-ataxia, wasting diseases, nervous debility, female disorders and all kindred diseases resulting from a worn out nervous system. Distinctively a tonic to build up the system and contains no poison. They are nature's greatest aid to repair the nervous system, giving power of endurance and capacity to enjoy every pleasure. An ideal remedy for all nervous troubles. The effect is immediate and no doubt of results exist. They make men and women strong. Prepared only by the Make-Man Tablet Co., Chicago, U. S. A.,"

which statements were false, misleading, and deceptive, in that the statements indicated that the said Make-Man Tablets were of a

curative and remedial value in the treatment of dyspepsia, neuralgia, kidney and liver trouble, catarrh, consumption, locomotor-ataxia, wasting diseases, nervous debility, female disorders and all diseases resulting from a worn out nervous system, whereas, in fact, said tablets were not of a curative or remedial value in the treatment of these diseases, and further, that the said statements indicated and conveyed the impression that the said tablets were a brain, blood, and nerve tonic, whereas, in fact, they were not a brain, blood, and nerve tonic, and further, that the said statements indicated that the tablets were an ideal remedy for all nervous troubles, whereas, in fact, they were not a remedy for all nervous troubles, and further, that said statements indicated that the use of the said tablets would and did make men and women strong, whereas, in fact, their use would not and did not make men and women strong.

On March 19, 1910, the defendant entered pleas of nolo contendere to each information and the court imposed a fine of \$10 for each offense.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *April 14, 1910.*

